

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NEIL JAMES ROBERSON,

Petitioner,

v.

SCOTT SPEER,

Respondent.

CASE NO. 2:24-cv-02102-KKE-BAT

ORDER OF DISMISSAL

Having reviewed *de novo* the Report and Recommendation of Magistrate Judge Brian A. Tsuchida (Dkt. No. 7), the objections thereto,¹ and the remaining record, the Court finds and ORDERS:

- (1) The Court ADOPTS the Report and Recommendation (Dkt. No. 7).
- (2) The petition is DISMISSED without prejudice on the grounds it presents one claim for relief which Petitioner avers is still pending in the Washington Supreme Court. The motions that Petitioner filed in connection with his habeas petition (Dkt. Nos. 4, 5, 6) are DENIED. The

¹ Petitioner filed objections to Judge Brian Tsuchida's report and recommendation (Dkt. No. 10) and two other motions requesting leave to amend his habeas petition (Dkt. No. 11) and for the Court to issue an order to show cause to Respondent (Dkt. No. 9). The Court reviewed these filings in considering the Report and Recommendation. However, these documents do not substantively respond to Judge Tsuchida's legal conclusions regarding Petitioner's unexhausted habeas petition. Likewise, his proposed amended petition is duplicative of his original petition and does not cure his failure to exhaust his state remedies. *See* Dkt. No. 11. As such, because Petitioner's responses fail to identify any errors in the Report and Recommendation, the Court overrules his objections.

1 motions that Petitioner filed in response to the Report and Recommendation (Dkt. Nos. 9, 11) are
2 also DENIED.

3 (3) Issuance of a certificate of appealability is DENIED.

4 (4) The Clerk shall provide a copy of this Order to Petitioner.

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6 Dated this 6th day of February, 2025.

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Kymberly K. Evanson
United States District Judge